

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

STACY SCHULTZ,

Plaintiff,

v.

Case No. 8:22-cv-2756-CPT

KILOLO KIJAKAZI,

Acting Commissioner of Social Security,

Defendant.

_____ /

ORDER

Before the Court is Defendant Commissioner's unopposed motion to remand this case pursuant to sentence four of 42 U.S.C. § 405(g). (Doc. 33). According to the Commissioner, such a remand is necessary so:

the Appeals Council [can] instruct the Administrative Law Judge to evaluate the opinion evidence[,] give further consideration to the [Plaintiff's] residual functional capacity, obtain evidence from a vocational expert to clarify the effect of the assessed limitations on the [Plaintiff's] occupational base, take any further action needed to complete the administrative record[,] and issue a new decision.

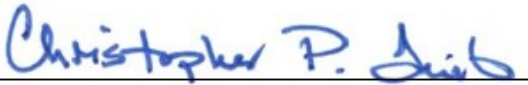
Id. The Commissioner represents that the Plaintiff does not object to the requested remand. *Id.*

Sentence four of section 405(g) provides that a “court shall have [the] power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner . . . with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). In a sentence four remand, the appropriate procedure is for a court to enter a final judgment in the claimant’s favor. *Shalala v. Schaefer*, 509 U.S. 292, 296–97 (1993); *Jackson v. Chater*, 99 F.3d 1086, 1095 (11th Cir. 1996).

In light of the above, it is hereby ORDERED:

1. The Commissioner’s unopposed motion to remand this matter (Doc. 33) is granted.
2. The Commissioner’s decision is reversed, and the action is remanded for further proceedings before the Social Security Administration consistent with this Order.
3. The Clerk of Court is directed to enter Judgment in the Plaintiff’s favor and to close the case.

SO ORDERED in Tampa, Florida, this 20th day of September 2023.


HONORABLE CHRISTOPHER P. TUIITE
United States Magistrate Judge

Copies to:
Counsel of record